

Vernon and Core City of York Local Plan / Upper and Nether Poppleton Neighbourhood Plan Green Belt boundary

1. Introduction

- 1.1 Mr Vernon's Hearing Statement to the Phase 2 City of York Local Plan Examination (<https://www.york.gov.uk/downloads/file/7680/ex-hs-p2-m7-gb-4-vernon>) makes reference to The Planning and Compulsory Purchase Act 2004 [S.38 (5)], which states:

'If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan'.

- 1.2 In this context he considers that the Upper and Nether Poppleton Neighbourhood Plan ("UNPNP"): (1) **defines the detailed Green Belt boundary; and (2)** allocates land south of the Poppleton P+R site as 'white land'.
- 1.3 This matter was raised by Mark Johnson obo Mr Vernon during Phase 4 Hearings (14 September 2022). The Council responded comprehensively to both of these arguments at the hearing. Nevertheless, Mr Johnson has persisted with these arguments and requests the Council's opinion as to whether exceptional circumstances are required to put the white land back into the GB.

2. CYC response

- 2.1 The Council does not accept either of Mr Vernon's argument, both of which are fundamentally flawed as a matter of law and fact, for the following reasons.
- 2.2 First, the detailed Green Belt boundaries have not been set to date. That is the role of the emerging plan and subject of this examination. The UNPNP **could not** set Green Belt boundaries. Pursuant to s. 38A(2) of the Planning and Compulsory Purchase Act 2004, a neighbourhood development plan sets out policies (however expressed) in relation to the development and the use of land in the whole or any part of a particular neighbourhood area specified in the plan. This excludes the setting of detailed Green Belt boundaries which is a strategic matter outside the scope of a neighbourhood plan.

- 2.3 Secondly and in any event, the UNPNP **did not** set detailed Green Belt boundaries. Policy PNP1 of the UNPNP states: “*The general extent of the Green Belt within the plan area is shown on the Policies Map [...]*”. And at page 3 continues: “*The general extent of the Green Belt is already determined in the Yorkshire and Humber Regional Spatial Strategy to 2026 (May 2008) Partial revocation order 2013/(S12013/117). It is for the City Planners and Councillors of the City of York to agree the definitive Green Belt around the City and surrounding villages.*” Thus the UNPNP is expressly **not** purporting to set GB boundaries.
- 2.4 This is confirmed in multiple other parts of the UNPNP.
- 2.5 Paragraph 2.4 of the UNPNP advises: “*The emerging Local Plan will set York’s detailed green belt boundaries for the first time guided by the National Planning Policy Framework (NPPF)*”.
- 2.6 The NP also refers to the Yorkshire and Humber RSS to 2026 (May 2008) Partial Revocation order 2013(S12013/117), at paragraph 2.14: “*This makes clear that the boundaries of the Green Belt around York have not been formally adopted and it remains for the emerging Local Plan to do this on a strategic basis*”.
- 2.7 Paragraph 4.1.7 of the UNPNP states: “*Paragraphs 83-85 of the NPPF are clear that the identification and modification of Green Belt boundaries are matters for the Local Planning Authority to determine [...] through the vehicle of the preparation of the emerging City of York Local Plan.*”
- 2.8 Finally, paragraphs 4.1.9 and 4.1.10 importantly set the context:

*“4.1.9 Whilst not forming part of the Development Plan the City of York draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005) was approved for development control purposes. The effect of this process is that **decisions on planning applications falling within the general extent of the Green Belt (as defined in the RSS) are taken on the basis that land is treated as Green Belt.***

*4.1.10 In these circumstances the submitted plan continues to apply the approach to the identification of the Green Belt as set out currently in the RSS and the Fourth Set of Changes Development Control Local Plan (2005) on an interim basis until such times as the emerging Local Plan is adopted. **This will ensure that the preparation of the emerging Local Plan is used as the mechanism for the detailed identification of the York Green Belt boundaries in accordance with national planning policy.** It will also provide the proper opportunity for developers and land owners to contribute to this debate both in general terms and to provide the agreed levels of development for the City. **Once the emerging Local Plan has been adopted the Neighbourhood Plan will be reviewed in order to ensure that the two elements of the development plan are consistent on this important matter.**” (emphasis added)*

2.9 It is this clear that the UNPNP has not defined any detailed Green Belt boundaries. It follows that it is not necessary to “reverse” any earlier decision or to amend the Green Belt boundaries.

3. Treatment of the Green Belt boundary in the emerging local plan

3.1 In advance of the adoption of the emerging Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes should take into account the RSS general extent of the Green Belt, the draft Local Plan (April 2005) (DCLP), the emerging Local Plan (2018) (bearing in mind NPPF paragraph 48) and site specific features.

3.2 This is the approach which the Council has adopted to date in respect of land within the UNPNP, so far as has been necessary.

3.3 The Council now proposes to set the detailed Green Belt boundaries in the emerging local plan. That process has been documented and explained in the examination. The outcome of that process is the inclusion of the land with which Mr Vernon is concerned within the Green Belt. The reasons for that have been explained in detail: see EX/CYC/59f Topic Paper 1 Green Belt Addendum January 2021 A4:176 – A4:191. Nothing in Mr Vernon’s representations undermines either the principle of the Council’s approach or the detail of its judgments in this instance.

4. Conclusion

4.1 For the reasons above, Mr Vernon’s representations are in error and the Council’s position is to be preferred.